THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.26360 of 1996

Date:16.02.2006

Between:

P.Govardan

--------PETITIONER

The Settlement Officer and others.

---------RESPONDENTS

ORDER:

The petitioners submitted an application before the first respondent for grant of Ryotwari Patta under Section 11(a) of the A.P. Estates (Abolition and Conversion into Ryotwari) Act 1948 (for short 'the Act'). Initially, an endorsement was made on 08.05.1996 asking them to produce the evidence to the effect that the application was filed within the stipulated time. Thereafter, the impugned endorsement was made to the effect that the claim of the petitioner has been submitted beyond the stipulated time and in that view of the matter, it cannot be entertained. It was also observed that the Settlement Officer is not empowered to entertain fresh claims after 24.04.1993.

In the counter-affidavit, the facts that gave rise to the impugned endorsement have been stated in detail. Reference is made to the order passed by this Court in W.P.No.6803 of 1996 as well as to the facts borne out by records. It is, ultimately, urged that there exists an alternative remedy by way of revision to the Director of Settlements.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Though several contentions have been urged on behalf of the petitioners, this Court

is not inclined to deal with the same. The disputed questions of fact cannot be the subject matter of a writ petition. The application of the petitioner was rejected at the threshold on the ground of lack of competence on the part of the Settlement Officer. The adjudication of the impugned order would involve the verification of the records with reference to the date of submission of application, the nature of claim of the petitioners etc., The Act has provided an effective remedy by way of revision to the Director of Settlements.

Hence, the writ petition is disposed of leaving it open to the petitioners to avail the remedy of revision before the Director of Settlements. In case, the revision is filed within four weeks from today, it shall be entertained by the Director of Settlements, without raising any objection as to the filing of the revision and the matter shall be dealt with on its own merits.

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16.02.2006

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